

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In Re:	: Bankruptcy No. 16-16972 MDC
Francis P. O'Brien aka Francis Patrick	:
O'Brien and Theresa L. O'Brien aka	:
Theresa Lynn O'Brien	: Chapter 13
	:
Debtors	:
Central Penn Capital Management, LLC	:
	:
	:
	:
	:
Movant	:
	:
vs.	:
	:
Francis P. O'Brien aka Francis Patrick	:
O'Brien and Theresa L. O'Brien aka Theresa	:
Lynn O'Brien	:
	:
Debtors/Respondents	:
	:
and	:
	:
William C. Miller, Esquire	:
Trustee/Respondent	:

OBJECTION TO CONFIRMATION OF THE PLAN

Movant, Central Penn Capital Management, LLC ("Movant"), by its attorneys, Hladik, Onorato & Federman, LLP, objects to confirmation of the Chapter 13 Plan of Debtors, Francis P. O'Brien aka Francis Patrick O'Brien and Theresa L. O'Brien aka Theresa Lynn O'Brien ("Debtors"), as follows:

1. As of the bankruptcy filing date of October 1, 2016, Movant holds a secured claim against the Debtors' properties, located at: 4700 Richmond Street, Philadelphia, PA 19137; 4450 Garden Street, Philadelphia, PA 19137; and 1207 New York Avenue, Wildwood, NJ 08260 (the "Properties").
2. Movant has filed a Proof of Claim on February 10, 2017 citing pre-petition arrears in the amount of \$85,175.10.
3. The Plan currently proposes payment to Movant in the amount of \$0.00 for pre-petition arrears.
4. The Plan fails to cure the delinquency pursuant to 11 U.S.C. § 1322(b)(5).

5. Moreover, the real estate taxes continue to accrue past due on the Properties, and one of the Properties continues to be vacant.

6. The Plan violates of 11 USC § 1325(a)(5)(B)(ii) by not providing for Movant to receive the full value of its claim.

7. Movant objects to the feasibility of the Plan under 11 U.S.C. § 1325(a)(6). The Plan proposed by Debtor is not feasible. Movant requests that the bankruptcy case either be converted to a Chapter 7 or be dismissed pursuant to 11 U.S.C. § 1307.

WHEREFORE, Movant respectfully requests that this Honorable Court deny confirmation of the Debtor's Chapter 13 Plan.

Respectfully submitted,

Dated: 3/02/2017

/s/Danielle Boyle-Ebersole, Esquire
Danielle Boyle-Ebersole, Esquire
Hladik, Onorato & Federman, LLP
298 Wissahickon Avenue
North Wales, PA 19454
Phone 215-855-9521
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Francis P. O'Brien aka Francis Patrick	:
O'Brien and Theresa L. O'Brien aka Theresa	:
Lynn O'Brien	:
	:
Debtors/Respondents	:
	:
and	:
	:
William C. Miller, Esquire	:
Trustee/Respondent	:

**CERTIFICATE OF MAILING OF OBJECTION TO THE PROPOSED
PLAN TO PARTIES IN INTEREST**

I, Danielle Boyle-Ebersole, Esquire, attorney for Central Penn Capital Management, LLC ("Movant"), certify that I served a copy of the attached Objection to the Plan to the parties below on March 2, 2017:

John L. McClain, Esquire
Via Electronic Filing
Attorney for Debtor

William C. Miller, Esquire
Via Electronic Filing
Trustee

Francis P. O'Brien aka Francis Patrick
O'Brien
4450 Garden Street
Philadelphia, PA 19137
Via First Class Mail
Debtor

Theresa L. O'Brien aka Theresa Lynn
O'Brien
4450 Garden Street
Philadelphia, PA 19137
Via First Class Mail
Debtor

Respectfully Submitted,

/s/Danielle Boyle-Ebersole, Esquire
Danielle Boyle-Ebersole, Esquire
Hladik, Onorato & Federman, LLP
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North Wales, PA 19454
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